

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DARRELL JAMES PARKS,)	
)	
Petitioner,)	
)	
v.)	Civil Action
)	No. 06-3389-CV-S-RED-H
HARVEY LAPPIN, Director)	
Federal Bureau of Prisons,)	
)	
Respondent.)	

ORDER AND JUDGMENT

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate Judge for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate Judge has completed his preliminary review of the petition and has submitted to the undersigned a report and recommendation that the petition be dismissed without prejudice.

Petitioner has filed a Motion to Withdraw Habeas Corpus Writ and Request for Writ to be Transferred, stating that he has conducted research and has concluded that the proper jurisdiction for his claim is in the District of Columbia; that this Court lacks proper jurisdiction, and that his case should be transferred to the District of Columbia. The Court will construe this motion as petitioner's exceptions to the report and recommendation of the United States Magistrate Judge. A review of the files and records in this case establish that prisoner classification is a matter delegated to the discretion of the Bureau of Prisons' officials, and the defendant has no liberty

interest in a particular prison classification. *Moody v. Daggett*, 429 U.S. 78, 88, (1976). In an administrative remedy response provided to petitioner, it was explained to him that he is classified as a “maximum” custody inmate because of the severity of his offense, the length of his sentence, his history of sexual and violent offenses, and his poor institutional adjustment. Petitioner’s request to have this matter transferred to the District of Columbia is without merit. At the time the motion was filed, petitioner’s custodian was in this district. His current custodian is in Lewisburg, Pennsylvania.

Petitioner’s exceptions must therefore be overruled. It is

ORDERED that petitioner be, and he is hereby, denied leave to proceed in forma pauperis; it is further

ORDERED, ADJUDGED and DECREED that the petition filed herein be dismissed with prejudice.

/s/ Richard E. Dorr
RICHARD E. DORR
United States District Judge

Date: March 22, 2007